

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 481 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
  2. To be referred to the Reporter or not? No
  3. Whether Their Lordships wish to see the fair copy of the judgement? No
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
  5. Whether it is to be circulated to the Civil Judge?  
No

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STATE OF GUJARAT

Versus

NITINKUMAR KESHAVLAL THAKKAR (HALANI)

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Appearance:

MS BR GAJJAR, Ld. APP for Petitioner

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CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 28/09/98

ORAL JUDGEMENT

Rule. Learned advocate Mr. N.S. Sheth, waives service of the rule on behalf of respondent.

2. The petitioner-State of Gujarat has challenged

the legality, validity and propriety of the order passed by learned J.M.F.C. Deesa, Dist. Banaskantha, dtd.22.5.98, in the proceedings of Prohibition Case No.127/98 and Prohibition Case No.5067/98.

3. The respondent has been dealing in a wholesale business of jaggary (Gur), sugar and other commodities from a shop situated at Gandhi Chowk, Deesa, Dist. Banaskantha. That respondent has retained a shop to store jaggary (Gur) for his business. That on 29.4.98, 60 Bundles of jaggary (Gur) was being transported to the said shop vide Truck bearing Registration No.GJ-8-U-3999 from Rassana. That P.S.I. Deesa City Police Station stopped the truck and seized the goods under the provisions of Bombay Prohibition Act, 1949, (hereinafter referred to as the Act). That two separate complaints were filed against the respondent for the offence made punishable under section 70(c) of the Act, which was registered as Prohibition Case No.127/98 and Prohibition Case No.5067/98. That respondent moved application Mark 13 & 14, dtd. 4.5.98, in the said proceedings of Prohibition Case No.127/98 as well as Prohibition Case No.5067/98 claiming interim custody of the seized goods consisting of jaggary(Gur). That the court of J.M.F.C. Deesa, decided the said application in both the matters by passing common order dtd.22.5.98, which is impugned in the present proceedings, and directed the authority to give custody of the said goods to the present respondent on his executing a bond of Rs.45,000/- for the goods seized as muddamal in the proceedings of Prohibition Case No.127/98, and for the goods seized as muddamal in the proceedings of Prohibition Case No.5067/98, on executing a bond of Rs.1,10,000/-, and with a condition that the present respondent shall not raise a dispute regarding muddamal not being present at the time of trial.

4. During the hearing of the present petition, learned advocate Mr. Sheth, appearing for respondent has stated at Bar, that respondent had already sold the said muddamal goods and has furnished bond as required under the order of learned J.M.F.C. Deesa.

5. In view of the said submissions made by the respondent, learned APP has suggested that as the muddamal article had already been sold and bond for the value of the goods have been filed, appropriate orders may be passed. In my opinion, the proceedings becomes infructuous and is of only academic dispute. Hence, the petition stands disposed of as being infructuous. Rule is discharged.

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